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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,262	07/27/2001	Derek Edward Sumpter	SUMPTER-DB-01	7810

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SIMON, GALASSO & FRANTZ PLC.
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EXAMINER

FOX, CHARLES A

ART UNIT PAPER NUMBER

3652

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,262

Applicant(s)

SUMPTER, DEREK EDWARD

Examiner

Charles A. Fox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 & 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Hamilton et al. In regards to claim 1 Anderson US 3,514,902 teaches an articulated trailer (10) for hauling refuse comprising:

an enclosed material carrying container mounted on a chassis and having a plurality of road wheels (12);

wherein the container has a floor, a rear wall, two side walls, a roof and a front having an access door therein;

wherein the interior surfaces of the container are substantially flat;

wherein the inside of the container includes one transverse movable wall (32) with a headboard defining a cavity between the movable wall and said door to the container;

wherein said cavity is at a minimum when said movable wall is adjacent said door and at a maximum when said wall is remote from said door to the container;

an access door (42) in the roof of said container;

wherein said access door (42) is movable between a first position where it covers an opening in said roof and a second position where the access door is removed from said opening so as to leave the opening unobstructed. Anderson does not teach the

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roof access door being located proximate to the front access door or that the floor is of the walking type. Hamilton et al. US 4,793,468 teach a trailer for hauling material with a walking floor for aiding in loading and unloading said trailer. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the trailer taught by Anderson with a walking floor as taught by Hamilton et al. in order to empty the trailer at a remote site without having to rely on a separate piece of equipment to unload the vehicle. It further would have been obvious to one of ordinary skill in the art, at the time of invention that the roof access door could be placed at either the front or rear of the trailer and still perform the same task in an equivalent manner with the same expected results.

In regards to claim 4 Anderson further teaches the roof access door (42) has two wheels (44) on each side of said door, each wheel engaging a respective horizontal channel (34) mounted on the roof of the container to either side of the opening in said roof.

In regards to claim 5 Anderson further teaches each channel assembly (34) comprises a substantially horizontal portion and an inclined portion, where said inclined portion is adjacent to said opening in roof and said inclined portion is downward sloping with respect to the horizontal portion of said channel assembly.

In regards to claim 6 Anderson further teaches that the roof access door (42) is remotely actuated via cylinder (46) to open and close said opening on container roof.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Hamilton et al. as applied to claim 1 above, and further in view of Fors.

Anderson in view of Hamilton et al. teach the limitations of claim 1 as above, they do not teach a sheet attached to the bottom of said movable wall. Fors US 3,998,343 teaches a trailer with a movable wall (78) that has a sheet attached to the lower edge of said wall. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the apparatus taught by Anderson in view of Hamilton et al. with a sheet as taught by Fors et al. in order to help keep refuse from entering the walking floor as the trailer is filled and emptied.

Response to Arguments

Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive. In regards to the motivation to combine the Anderson and Hamilton references, Hamilton teaches the use of the walking floor to move material to the front of the cargo area. See column 8 lines 34-63. Thus the trailer could be loaded without compacting the load against the rear door, thereby reducing the operational stress on the doors. Therefore one of ordinary skill in the art would have seen the advantages of an aperture near the access door when used with the walking floor.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., operation of the compactor with the aperture open and a canvas sheet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims do not have the limitation of the aperture remaining open during operation of the compaction blade.

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In regards to the arguments against claim 3 the claim merely states that canvas is a preferred material. Therefore the sheet material taught by Fors meets the limitation of claim 3.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached on 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CAF
10-25-02


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600